

Election Procedures Review
Of
Douglas County
State of Washington
2007 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Douglas County during the 2007 Primary Election cycle. Libby Nieland, Program Specialist, represented the Election Certification and Training Program during the review. Thad Duvall, Douglas County Auditor, Pat Pennington, Elections Supervisor, Marty Whitehall, Elections Deputy and other members of the staff participated on behalf of the Douglas County Auditor's Office.

Both the reviewer and the Douglas County Elections Department approached the review in a spirit of cooperation. The department allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Douglas County Elections Department with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist the Douglas County Elections Department in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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Overview

Located in the northern central area of Washington, Douglas County has around 16,400 active and 1,625 inactive registered voters distributed among 45 voting precincts. In addition to managing all county-wide elections, the Douglas County Elections Department conducts elections on behalf of 40 special purpose districts. Eleven of these districts are shared jointly with Lincoln, Chelan, Grant, and Okanogan Counties.

Most of the county has had a stable population base for some time, although the area in and around East Wenatchee is exhibiting rapid population growth. Recent expansion of population and new housing opportunities in Douglas County has placed a considerable strain on the elections staff's ability to update precinct and jurisdiction boundaries.

Election activities are distributed between two separate locations within the Douglas County Courthouse. Administrative offices, a public reception area, and a secured tabulation room with separate ballot storage are located on the first floor. Pre-tabulation ballot processing is conducted on the second floor of the courthouse in an access-restricted room. A secured cage for long term retention of election materials is accessed through the ballot processing room.

The Douglas County Auditor should be commended for skillfully utilizing office space to maximize the efficiency and security of ballot processing. Some of the documents and procedures used by the Douglas County Elections Department need to be updated to comply with existing laws. The existence of outmoded written procedures is understandable, considering the number of changes in election law in the past four years and the lack of staff available to keep current with the changes.

The Douglas County Auditor and elections staff were very receptive to the review process. The staff was pleasant, cooperative and candid.

The teamwork and commitment of the Douglas County elections staff was evident throughout the review. Staff extends extra effort in maintaining contact with the county voters, including voters overseas and in the military service. This level of service demonstrates the sense of community and the dedication of the Douglas County Auditor and staff to the election process.

Recommendations

The following recommendations indicate where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer obtained information based on actual observation of a procedure, verbal explanation of a procedure, or written procedures. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Street and Precinct Data Integrity

Shortly after mailing the 2007 Primary ballots the Douglas County Elections Department discovered 80 voters in the East Wenatchee Water District No. 3 had not received ballots. The Auditor immediately responded by mailing paper ballots with the missing race to those voters. Investigation by the Douglas County elections staff determined that jurisdiction boundaries were incorrect. Additionally, the street file in the election management system used to identify voters within the jurisdiction had not included the recently developed area.

RCW 29A.08.125 “(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county. (3) The computer file must include . . . applicable taxing district and precinct codes.”

Recommendation: Voters belonging to a taxing district should not be excluded from being mailed ballots in a timely fashion because of incomplete or inaccurate district information or errors in the street address data. The Douglas County Auditor must examine the precinct boundaries, jurisdiction boundaries and the election management system street file information for anomalies and discrepancies.

Ballot Deposit Sites

The unmanned ballot deposit site located in East Wenatchee was available to voters from the time of mailing ballots until 8:00 PM Election Day. The box is located in an open, well-lighted parking lot and is securely bolted to a concrete pad. The area is also monitored by security cameras operated by the Douglas County Sheriff's Department. The box is locked with a key that remains under the control of the County Auditor.

Although the deposit box is monitored 24 hours every day by security cameras, the County Auditor does not know if the security cameras are creating a record of activity during the balloting period. If such records are being created, it is not known if the records are retained and accessible for the required retention period of 22 months for a federal election and 60 days for all other elections.

WAC 434-250-100 (3) “Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed.”

WAC 434-250-130 “Each county auditor shall maintain an audit trail with respect to . . . (6) A documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process.”

WAC 434-261-045 “Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials.”

Recommendation: The outside ballot deposit box must be secured at all times with a numbered seal and seal log documenting access, in addition to use of a lock and key. Record of any access must be retained for the retention period.

Verification and Confirmation Notices

As mandated by law, a confirmation notice is sent to any voter in the event that the voter’s address is questioned. The notice states that “In the event we do not hear anything from you (within 6 weeks) we will place you on inactive status.” The notice does not inform the voter that, if he or she does not respond or does not vote in either of the next two federal elections, the voter’s registration will be canceled.

The Douglas County Auditor correctly issues verification and confirmation notices to voters as required by law. All notices sent contain a pre-addressed reply envelope or label to obtain a reply from the voter. No notices provide pre-paid return postage for the voter’s reply.

Identity verification notices are correctly mailed to a voter when the Auditor is unable to verify the identity of the voter using other legal means. A letter is sent requesting the voter provide his or her driver’s license number or a copy of acceptable alternate identification, although the forms of acceptable identification are not listed. The verification notice states “...your Drivers license number or a copy of some kind of ID to allow you to vote absentee in the next election. If it is not provided you will have to go to your poll site and vote in person . . .”

RCW 29A.08.635 “The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled.”

RCW 29A.08.030(1) requires, “The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(3) The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.”

WAC 434-324-045(4) “If the applicant votes absentee, he or she must be notified that the ballot will not be counted unless he or she provides adequate verification of identity.”

Recommendation: The confirmation notice needs revision by removing the statement that implies the voter is not already inactive, and by adding a statement that the voter’s registration will be canceled if the voter does not contact the auditor or vote in one of the next two federal elections.

Verification and confirmation notice reply cards must include pre-paid return postage.

The request for verification of the identity of an applicant must state that identification must be provided in order for the voter's ballot to be counted and list the valid forms of alternative identification. The Auditor should adopt the sample verification notice detailed in WAC 434-324-04, which includes all required information

List Maintenance Program

The National Voter Registration Act of 2002 requires a program be followed to maintain the voter registration list. Such program is to be conducted every two years and must be both comprehensive and nondiscriminatory. Douglas County Elections considers the election mailing of ballot applications and ballots each general election as fulfilling this requirement. There was no countywide mailing in the spring of 2006.

WAC 434-324-113(1) "Each even-numbered year, maintenance of the voter registration list, as required by RCW 29A.08.605, must be completed ninety days prior to the date of the primary in that year. The voter registration list maintenance program is complete upon mailing the required notices. Counties have discretion to also run the voter registration list maintenance in odd-numbered years."

Recommendation: The use of a general election mailing to fulfill the list maintenance program does not comply with state requirements to conduct the program in even-numbered years. If a county-wide mailing is used to implement the program, the mailing must be sent between January 1 and early May every even year. A combination of ballots and ballot applications mailed county-wide during spring election would qualify.

Notice of Closing of Voter Registration

The notice of the closing of voter registration files for the Primary Election was published on July 26, 2007, ten days after the statutory deadline. The notice stated that beginning 30 days prior to the election the registration files were closed to new registrations, transfers, and to all changes in voter registration and cancellations within the entire county. The notice correctly included information on the special 15-day extension available for unregistered qualified voters appearing in person at the Auditor's office.

RCW 29A.08.140 "The county auditor shall give notice of the closing of the precinct files for transfer and notice of the special registration and voting procedure . . . at least five days before the closing of the precinct files."

Recommendation: The Auditor is obligated to publish the notice of closing of voter registration no later than thirty-five days prior to the election. A notice of closing must specify the precincts that are closing to transfers and registration, unless the election or primary is county wide. The closing of the voter registration rolls is only to new registrations by mail and transfers of voters; closure does not include updating other information or cancellation of voter records.

Notice of Primary

The Auditor published the Notice of Primary in a timely fashion, listing all candidate names, addresses, and telephone numbers. A nonpartisan designation followed the name of each

candidate. The notice included a statement that all elections in Douglas County are conducted entirely by mail, with instructions for returning a voted ballot, and the locations and hours of staffed and unstaffed deposit sites. The notice inferred that the ballot drop off at Bridgeport was open from 8:30 a.m. until 8:00 p.m. on the day of the Primary. The drop off was correctly available from 7:00 a.m. until 8:00 p.m. Statutory authority for the notice of primary was incorrectly cited as RCW 29A.52.351.

RCW 29A.52.311 Not more than ten nor less than three days before the primary the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, instructions for voting the applicable ballot, as provided in chapter 29A.36 RCW, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for the holding of any primary.

WAC 434-250-310(3) "In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311, a county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state:

- (a) The election will be conducted by mail and regular polling places will not be open;*
- (b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;*
- (c) The location where voters may obtain replacement ballots;*
- (d) Return postage is required;*
- (e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired, including the county auditor's office as a polling place.*

Recommendation: Because Douglas County conducts all elections by mail, the Auditor must add the following to any notice of election or primary: a statement that no regular polling places are open; instructions on how voters may obtain replacement ballots; notice that postage is needed to return voted ballots; and, the locations and times that disability access units are available to voters. The drop off locations listed must clearly identify when deposit sites are available. The notice must be changed to reflect the correct citation.

Notice of Open Public Meetings

The elections department published notice of the meetings of the Douglas County Canvassing Board in a timely manner. The dates, times, locations and purposes of both meetings were included in the notice. There was no indication that the meetings were open to the public or that records of the meetings is be available to the public.

WAC 434-262-025 "All activities of the canvassing board shall be open to the public. Such notice or notices shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29A.60 RCW, will hold public meetings at (Time of Meetings) , (Dates) , at (Locations) , to (Purpose of

Meetings) . These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots."

Recommendation: Notices of canvassing board meetings must inform the public that meetings is open to the public, and that record of the proceedings is available for public viewing for a set period of time. Although it is not required, it may be helpful to the elections staff to adopt the language of the WAC.

Notification to Major Political Parties

The major political parties were not notified of the dates, times and locations for various election activities, including processing ballots, logic and accuracy testing of tabulation equipment, canvassing, and certification of the Primary.

Official election observers were not requested to be present at any of the election processes.

WAC 434-250-110(1) states, "Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots."

RCW 29A.40.100 requires, "County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots."

WAC 434-335-320 "The county must notify the parties, press, public, and candidates of the date and time of the test."

Recommendation: Prior to each primary or election, the major political party chairs should be notified by mail, email, or telephone of the dates and locations for election related activities conducted by the County Auditor. All activities of ballot processing, tabulation of ballots and canvassing of the election should be specified and election observers should be requested for such activities. The number of observers requested to attend each activity should be included in the notice.

Public Records Request Form

The Douglas County Auditor correctly provides voter registration lists upon request by the public at the cost of reproduction. All public requests for voter information are submitted in writing on a form provided by the Douglas County Elections Department. The requestor is required to sign a statement of obligation and acknowledge that a penalty exists if lists are used or commercial purposes. The statement of obligation states that a five thousand dollar fine may be levied for improper use of the voter data.

RCW 29A.08.720 requires "The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

RCW 29A.08.740(1) “ Any person who uses registered voter data furnished under RCW 29A.08.720 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars.”

Recommendation: The public records request must be updated to reflect the maximum fine of a class C felony as ten thousand dollars. A copy of RCW 29A.08.740 must be presented to every person submitting a request for public information, preferably prior to signing the statement of obligation.

Questionnaires to cities, towns, and districts

Douglas County Elections Department correctly sends a questionnaire to all of the cities, towns, and districts in the county to obtain information necessary for candidate filing. The questionnaire lists the incumbents and positions for all offices within a district, and requests the district either confirms the information or provides correct information.

WAC 434-215-005 requires, in part, “The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period.”

Recommendation: The questionnaire sent by the County Elections Department must also verify the annual salary.

Ballot Security

Ballots that required duplication were retained in a box under the Elections Deputy’s desk while the deputy and supervisor were absent from the room. There was no numbered seal on the box.

The keys to processing room are controlled solely by the Elections Deputy during the day. At night the keys are placed in the deputy’s desk drawer.

WAC 434-250-110(2) “Following initial processing, all absentee ballots must be kept in secure storage until final processing.”

WAC 434-261-045 “Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials. Ballots and ballot images may only be accessed in accordance with RCW 29A.60.110.”

Recommendation: Ballots must be in secure storage when not being processed. Keys used to lock rooms with ballots should also be stored in such a manner that access is accountable.

Ballot Request Forms

Hospital ballot applications and special absentee ballot applications were not available.

WAC 434-250-030(3) states, "As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications."

WAC 434-250-030(4) permits, "requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office."

Recommendation: The Auditor's Office must have application forms for hospital absentee ballots and special absentee ballots available.

The County Auditor should also develop detailed procedures for issuing and processing special absentee ballots.

Ballot Applications for Inactive Voters

The Douglas County elections staff sends an application to all inactive voters 45 days prior to every election alerting the inactive voter that they must apply to the Auditor for a ballot. The application contains a checkbox allowing a voter no longer residing in Douglas County to request cancellation of registration. Although the form alerts the voter that a date of birth and name must be entered, there is no mention on the form that a cancellation request must be signed.

WAC 434-324-111 "A voter may cancel his or her own voter registration by submitting a signed written notification to the auditor for the county in which he or she is registered to vote."

Recommendation: The application for ballots sent to inactive voters must notify voters that if the voter submits the form as a request for cancellation of registration, the request must be signed.

The Auditor is in full compliance with the statutory requirement to mail an application to each inactive voter no later than eighteen days before the election or primary. The reviewer suggests the voter may be better served if the application is sent nearer to the date of the election. Sending the application after the registration period has closed, no earlier than 30 days before an election, will result in more current information.

Instructions to Voters

Voters were cautioned to "not initial, sign or make stray or identifying marks" on the ballot. No explanation is given to the voter that by identifying himself or herself on the ballot, the voter's ballot can not be counted.

All mandated instructions for voters are provided with the mail ballot, except the following: notification that a ballot will not count if a voter identifies himself or herself on the ballot; a listing of the dates and times that deposit locations, specific to the primary, are available; and information on how a voter may obtain a replacement ballot.

Five ballot deposit sites have been established in diverse locations throughout Douglas County. Only three of the established deposit sites were available during the Primary, yet the printed instructions provided to the voter with the mail ballot indicated that all deposit sites were available.

WAC 434-250-040(1) “In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning an absentee ballot must also include:

(c) Notice that, if a voter has signed or otherwise identified himself or herself on a ballot, the ballot will not be counted;

(g) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(i) . . . the location, dates, and times for depositing the ballot as an alternative to mailing the ballot.”

Recommendation: The ballot mailing packet must be revised to provide information to voters on obtaining replacement ballots, availability of ballot drop sites with locations and times specific to the election, and a specific warning to voters that identifying marks on a ballot will prevent the ballot from being counted.

Verification of Ballot Signatures

A letter is sent to a voter by the Douglas County Auditor if the voter’s signature attesting to the ballot affidavit is unverifiable when compared with the original voter registration. The letter informs the voter of the last date an updated signature may to be received in order for the ballot to count. The letter does not inform the voter that various methods are available for updating the signature. A copy of the current signature on file is enclosed with the letter. The letter incorrectly requires the signature to match with the proper name printed on the ballot label.

The letter sent to voters for signature verification does not comply with the Douglas County Canvassing Board manual which correctly lists the three ways for a voter to update a signature.

WAC 434-261-050(3) “If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; or

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the affidavit must match the signature on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification

of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.”

Recommendation: The letter sent to any voter requesting an updating of signature of record must include instructions in all methods available to the voter to provide that signature. Signature verification letters must be updated with the required information and should correspond to the Douglas County Canvassing Board manual. A copy of a voter’s current signature should not be enclosed with the letter.

Canvassing Board

The Douglas County Canvassing Board has correctly adopted rules of conduct. Several rules appear to be out of date or inaccurate; for example, the Douglas County Canvassing Board Manual requires certification of a general election no later than the 20th day after the election. County canvassing boards are statutorily required to certify general elections on the 21st day following the election.

It was observed by the reviewer that no oath was administered to the Auditor prior to canvassing of the returns of the 2007 Primary. Additionally records of the Douglas County Canvassing Board meetings consist of documents presented by the Auditor to the Board. Minutes of Canvassing Board meetings are not created and are not available for public inspection.

RCW 29A.60.190 mandates “(1) Except as provided by subsection (3) of this section, twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the result.”

RCW 29A.60.200 “Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.”

RCW 42.32.030 “The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.”

Recommendation: Meetings of the Canvassing Board are open and public and must follow public meeting rules. The Canvassing Board must maintain minutes of any meeting conducted by the Board. Such minutes should include meeting time and date, names of attendees, record of any business conducted, and all actions taken by the Board.

The County Canvassing Board Manual should be reviewed on a regular basis. Any old or noncompliant procedures must be removed or modified to comply with state law. Changes to the manual must be adopted at a public meeting.

Disability Access

Douglas County correctly provides a Disability Access Unit at the Auditor’s Office beginning the twentieth day prior to the election. The Disability Access Unit affords those voters needing

accommodation the opportunity to vote in a secure and independent manner. The unit was located within the office in such a manner that voters had easy access. The screen of the unit was visible to any person walking past.

RCW 29A.44.060 “The county auditor shall provide in each polling place a sufficient number of voting booths or voting devices along with any supplies necessary to enable the voter to mark or register his or her choices on the ballot and within which the voters may cast their votes in secrecy.”

Recommendation: Disability Access Units must be placed in such a manner as to protect the secrecy of the voter but still provide full accessibility.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Precincts

Douglas County has several precincts that contain both city and unincorporated areas, including Precincts 111, 302, 105 and 203.

All precincts are compact and contiguous in Douglas County. However, not all precinct boundaries are defined by visible physical surface features; several precinct boundaries are clearly established along section, township, and range lines. RCW 29A.16.050(3) requires that "changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau."

Suggestion: Efficient administration of elections requires precinct boundaries to correspond with city boundaries. When precinct boundary changes are made, the boundaries should be defined using visible features whenever possible.

Voter Acknowledgement

Voter registration identification cards are mailed to every voter whose record was updated or initially entered. The cards announce "Per your request an absentee ballot will be mailed to you" if the voter requested permanent status.

Suggestion: Because Douglas County conducts all elections by mail, the statement on the voter registration identification card regarding absentee voting is confusing. It would be better to include a statement informing voters that their ballot will be mailed to the address shown on the card for all elections.

Procedures Manual

A current procedures manual is an invaluable tool for election administration, especially when the Auditor's Office has inexperienced staff or is short handed. However, many office procedures are missing from the Douglas County Elections Procedures manual. Entire sections, such as preparation for candidate filing or ballot design and programming, need to be covered in detail. Continuing to expand the manual is critical to efficient operations of the elections office.

Suggestion: The following suggestions will improve the Douglas County Elections procedures manual:

1. Include all parts of election and voter registration administration, including use of the disability access units.
2. Ensure that procedures document the actual practices of the Auditor's Office. There is nothing wrong with borrowing another county's procedures, especially when both counties use the same technology; the text reviewed and converted to accurately describe the procedures used in Douglas County.
3. Update the procedures frequently. Keeping written procedures current with the law and office practice is imperative. The reviewer suggests an annual review of all written procedures to ensure they are kept current.
4. Old versions of active office documents should either be destroyed or archived when superseded in accordance with the Douglas County retention schedule.

Transport of ballots

Elections department policy requires two staff members accompany ballots when moving between floors from the administrative area to the processing room or from the processing room to the tabulation area.

Suggestion: Although having two persons accompany the ballots when transporting between election processing areas is an excellent practice, it is not always practicable. Secured ballots, with the seal number entered on the seal log, may be transported by a single member of the Auditor's staff between election department areas.

Processing Ballots

Black and blue pens were used by staff in the ballot opening, processing, and tabulation areas.

Suggestion: The presence of black or blue pens in any area where voted ballots are unsecured should be avoided. It is suggested that the Elections Department provide pens in a distinguishable color, not be easily read by the tabulators. Use of red, pink, or even green pens will readily identify markings made during processing by staff.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Douglas County Canvassing Board in January 2008. In accordance with WAC 434-260-145, we provided Douglas County 10 days to respond, in writing, to recommendations listed in the draft report.

The Douglas County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



Thad L Duvall
Douglas County Auditor

March 5, 2008

TO: Libby Nieland

RE: Secretary of State Election Review of Douglas County

Attached please find the Douglas County response to the 2007 Election Review signed by members of the Douglas County Canvassing Board. The response addresses each of the recommendations contained in the draft review report dated January 22, 2008.

We would like to thank you for the professional and courteous manner in which the review was conducted and for allowing more time for our response as we finished the Presidential Preference Primary. The recommended changes and suggestions will help improve the elections process in Douglas County.

A handwritten signature in cursive script that reads "Thad Duvall".

Thad Duvall
Douglas County Auditor

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Douglas County 2007 OSOS Review Response

1. Street & Precinct Data Integrity

Douglas County Elections department has a plan to work with our GIS department to hire an intern to work with the election department to review all our precinct maps and current jurisdiction boundaries and district information. Plans for the additional employee will depend on county commissioner approval.

2. Ballot Deposit Sites

We have purchased new drop boxes for East Wenatchee Admin Bldg, East Wenatchee Public Service Bldg, Douglas County Courthouse, Mansfield City Hall, Rock Island City Hall and Bridgeport City Hall. Drop boxes will be available 24/7 starting 20 days before election until 8:00 PM on Election Day. All boxes have a locking key and a security seal bar. We used them in the General Election and maintained a seal log with two election personnel required for opening and closing. The sealing logs will be saved and destroyed according to the retention schedule.

3. Verification and Confirmation Notices

We have changed the wording on the request for verification of identity to add a list of acceptable identification which must be provided before the ballot can be counted. We removed the statement from the confirmation notice that implies the voter is not already inactive and added a statement that the voter's registration will be canceled if the voter does not contact the auditor or vote in one of the next two federal elections. Also we are now sending out pre-addressed prepaid return envelopes in the verification and confirmation notices.

4. List Maintenance Program

We will send our required NVRA voter registration list maintenance mailing out in early April or May in even numbered years unless we have a spring countywide election. For example, we will use the February 19th Presidential Primary election to fulfill the countywide NVRA requirement for 2008.

5. Notice of Closing of Voter Registration

We will publish our notice of closing of voter registration files at least thirty-five days before elections. In some cases the notice will be published more than thirty-five days in advance due to the weekly publication cycle of our newspaper of record and smaller upper county newspapers. The notice will include the precincts involved in that election.

6. Notice of Primary

We will update our notice of election or primary to include the following wording and instructions: there are no regular polling places open and postage is needed to return voted ballots. Instructions will be included on how voters may obtain replacement ballots and the location and times disability access units are available to voters. We will also include drop box locations stating they will be available 24/7 starting 20 days before election until 8:00 PM on Election Night. The correct citation or RCW will be used in the notice.

7. Notice of Open Public Meetings

We will add to the Canvassing Board Meeting notice:
All activities of the canvassing board shall be open to the public. A record of the proceeding of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

8. Notification to Major Political Parties

We plan to e-mail a copy of all notices to the chairperson of major political parties with an invitation to attend. A letter will be sent asking them to provide political observers for all election activities.

9. Public Records Request Form

The public records request form has been updated to reflect the maximum fine of a class C felony as ten thousand dollars. The RCW's have been added to the form along with a place for signature stating they have read the RCW's.

10. Questionnaires to cities, towns and districts

The questionnaires sent to cities, towns and districts will verify annual wage and also include a question about current boundaries and any changes made in the last year.

11. Ballot Security

We have ordered a key storage unit that can be sealed to complete our security of all keys used in the election process. All ballots will either be in double custody during processing or remain in sealed storage.

12. Ballot Request forms

We will use sample forms from other counties to develop hospital absentee and special absentee request forms.

13. Ballot Applications for Inactive Voter

The ballot application for inactive voters has been revised and now has a place for voter signatures.

14. Instruction to Voters

We will add on the ballot instructions: Ballot may not be counted if the voter initials, signs or makes stray or identifying marks, please contact Election Department at phone number for replacement ballot. The location and times our drop boxes are available will be printed on our pink security envelope.

15. Verification of Ballot Signatures

The signature verification letter has been revised to give instructions to a voter on the different ways to update their signature. A copy of the signature will not be sent out with the verification letter.

16. Canvassing Board

The Douglas County Canvassing Board Manual will be updated & adopted at a public canvassing board meeting. Canvassing Board minutes will be taken in a more narrative form to go along with and be augmented by the work papers presented to the Canvassing Board.

17. Disability Access

Douglas County has a Disability Committee which was formed almost two years ago. Due to the nature of the Greater Wenatchee area we have found it beneficial to meet jointly with Chelan County. Douglas County election workers have received sensitivity training focused on working with and assisting disabled voters and in the use of our electronic voting device the AutoMark. A sliding security screen has been developed and installed to provide for voter privacy.

3-5-08
Date

3/5/08
Date

3/5/08
Date

[Signature]
Chairman Douglas County Board of Commissioners

[Signature]
Douglas County Prosecuting Attorney

[Signature]
Douglas County Auditor

Conclusion

The Douglas County Auditor's office staff should be commended for their diligence in administering elections. The recent expansion of office space has provided the Douglas County Elections Office an opportunity to secure and streamline the elections process. The Auditor and staff should be complimented for the planning and implementation of an efficient and effective design.

The recent expansion of population and new housing in Douglas County has placed a considerable strain on the county elections staff's ability to updating precinct and jurisdiction boundaries information. Current precinct boundaries need to be reviewed for accuracy. An audit of the precinct and street address assignments within the precincts would be of great value.

The department has very good daily reconciliation procedures. The department utilizes a log that tracks the ballots during all phases of processing.

Many of the processes and duties of the elections staff are not documented. Although it is extremely difficult to dedicate staff time to writing procedures, it is nevertheless well worth the effort. Comprehensive written procedures would greatly assist in performing tasks in a consistent and efficient manner. Written procedures also document compliance with law, and assist in training new staff.

This review has mentioned several notices and letters that need to be updated. It is important that letters, notices, and announcements be in compliance with legal requirements. Updating and strengthening communication with voters, political parties, and media can reinforce the public confidence in county elections.

During the review, the staff members were professional and cooperative. Following the recommendations and suggestions in this report will further improve the processes of the Douglas County Auditor's Office.

Review Report Prepared by:

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